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Filing date: **04/13/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92049105
Party	Defendant Safeway Inc.
Correspondence Address	Jordan S. Weinstein Oblon, Spivak, McClelland, Maier & Neustadt, P.C. 1940 Duke Street Alexandria, VA 22314 UNITED STATES jweinstein@oblon.com, tmdocket@oblon.com
Submission	Other Motions/Papers
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EXHIBIT C

Attorney Docket No.: 325228US56

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

EAT RIGHT FOODS LIMITED,	)	
	)	
Petitioner,	)	
	)	
v.	)	Cancellation No.: 92/049,105
	)	Registration No. 3,395,214
SAFEWAY INC.,	)	
	)	
Respondent.	)	
	)	

The Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**WITHDRAWAL OF CANCELLATION PROCEEDING**

Petitioner, Eat Right Foods Limited ("Eat Right"), hereby withdraws its cancellation proceeding against U.S. Trademark Registration No. 3,395,214 owned by Safeway Inc., ("Safeway") with prejudice. The parties, through their counsel, have reached an agreement in this matter.

WHEREFORE, Eat Right withdraws its cancellation to U.S. Trademark Registration No. 3,395,214 with prejudice.

Respectfully submitted,

EAT RIGHT FOODS LIMITED

By: 

Rebecca Douglas-Clifford  
Managing Director  
Eat Right Foods Limited  
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Date: 7th April 2009  
JSW/dlb

SAFEWAY INC.

By: 

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Date: 4/13/09